

JENKINS & CLAYMAN

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IN THE MATTER OF:

Michael Curcio,
Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

CHAPTER 13 CASE NO. 21-16227-CMG

DEBTOR'S CERTIFICATION IN SUPPORT
OF CONFIRMATION

HEARING DATE: APRIL 6, 2022

I, Michael Curcio, by way of Certification hereby state:

1. I am one of the Chapter 13 Debtor's and I am authorized to make this certification.
2. On August 3, 2022, Mrs. Curcio and I filed our joint Chapter 13 petition. Thereafter, we filed our Chapter 13 bankruptcy plan. On February 24, 2022 we filed a modified Chapter 13 plan and the confirmation hearing for our plan is scheduled for April 6, 2022. Albert Russo, the Chapter 13 Trustee, has filed an objection to the Chapter 13 plan stating, in essence, we could afford to pay a higher Trustee payment.
3. In fact, the plan we proposed, is the most we can possibly pay to the Chapter 13 Trustee and has been proposed in good faith.
4. When we filed our Chapter 13 bankruptcy petition, we noted in the means test that I was making more money than it would be reasonably expected that I would make in the future. There are two reasons. The first is that due to COVID, many of my coworkers were not regularly coming to work and I was able to pick up a lot of extra hours. The second reason relates to the first reason. Due to the high hours along with my advancing age, I have been diagnosed with several severe health issues including an autoimmune disease and I am under doctor's orders to not work

more than 5 days a week. In fact, due to my frequent doctor's visits, I am sometimes struggling to even work 5 full days a week.

5. We have provided Mr. Russo's office with each of my paystubs from 2022. (We have also provided paystubs from Mrs. Curcio's pay and note she is on salary and is earning the precise amount she earned on the original schedule I filed with the court). As a result of my pay for 2022 (we shared 11 paystubs with the Trustee) we have amended schedule I to show our actual household income. We also amended schedule J as the Trustee objected to certain expenses. Please note we believe the original schedule J was accurate but we did reduce our home maintenance expense and other expenses to address the Trustee's concern. We also note that our transportation expense has probably increased since we filed due to the higher price of gasoline. My commute is not very long however, Mrs. Curcio commutes daily from Neptune to Manalapan. If there is any room in the budget it is going to extra transportation expenses.

6. By way of background, our household consists of the two of us plus Mrs. Curcio's mother and Mrs. Curcio's disabled sister. Each receive a modest social security amount and no other income and from time to time we do have to assist them financially.

7. The amended schedules I and J illustrate that our Trustee payment which provides a substantial dividend to unsecured creditors, is appropriate, and we ask the court to confirm our plan as proposed.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: 4/4/22

/s/ Michael Curcio
Michael Curcio
Chapter 13 Debtor

